

HHS Transmittal 84.18
Personnel Manual
Issue Date: 8/31/84

Material transmitted

Instruction 296-3, Administering Oaths of Office and
Appointment Affidavits (pages 1-3)
Exhibit 296-3-A, Delegation of Authority to Administer the
Oath of Office (pages 1-2)

Material superseded

HHS Instruction 250-8 (page 1: 72.9)
HHS Instruction 295-6 (pages 1-2: 68.24)

Background

This Instruction has been renumbered from 295-6 to 296-3. This change is to associate it more closely with the relevant Federal Personnel Manual material. A section titled "References" has been added which lists the laws, regulations and other relevant material pertaining to administering oaths of office and appointment affidavits. This revision updates the responsibilities of the designated officials who administer appointment affidavits and oaths of office to new Department employees. The delegation of authority to administer the oath of office has been included in this Instruction as an Exhibit.

Servicing Personnel Offices should note that the current version of the SF 61-B, Declaration of Appointee, is dated October 1981.

This issuance is effective immediately. However, you are reminded of the obligation to implement the changes required by this issuance consistent with labor relations responsibilities (5 U.S. Code Chapter 71 and provisions of negotiated agreements).

Filing instructions

Remove superseded material and file new material. Change Table of Contents (Instruction 002-1) for the personnel Manual to reflect changes. Post receipt of this transmittal to the HHS Check List of Transmittals and file this transmittal in sequential order after the check list.

Thomas S. McFee
Assistant Secretary for
Personnel Administration

Distribution: MS(PERS)HRFC-001

Subject: ADMINISTERING OATHS OF OFFICE AND APPOINTMENT
AFFIDAVITS

296-3-00	Purpose and Authority
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Exhibit 296-3-A Delegation of Authority to Administer the Oath of Office

296-3-00 PURPOSE AND AUTHORITY

This Instruction sets forth the Department's policies and procedures for the administration of appointment affidavits to new Department employees when, or before, they report for duty as required by: 5 U.S. Code 3331 for the oath of office; 5 U.S. Code 3332 for the affidavit on purchase and sale of office; and 5 U.S. Code 3333 for the affidavit on striking against the Federal Government.

296-3-10 COVERAGE

This Instruction applies to all Department employees, regardless of type of appointment or work schedule, except Commissioned Officers of the Public Health Service.

296-3-20 REFERENCES

- A. 5 U.S. Code 2903 (law - authority to administer the oath of office)
- B. 5 U.S. Code 3331 (law - oath of office)
- C. 5 U.S. Code 3332 and 3333 (law - appointment affidavit)
- D. 5 U.S. Code 7311 (law - loyalty and striking)
- E. Federal Personnel Manual (FPM) Chapter 295, Appendix A-3 (standard forms)
- F. FPM Chapter 296, Subchapter 2 (Appointment Affidavits and Declaration of Appointee)
- G. FPM Supplement 296-33, Subchapter 5 (processing personnel actions, forms)

296-3-30 RESPONSIBILITIES

Responsible office: Division of Organization and Employee Development, Office of the Assistant Secretary for Personnel Administration, HHS (FTS 475-0124)

- A. The Assistant Secretary for Personnel Administration (ASPER) is responsible for designating Department officials to administer the oath of office. (See Exhibit 296-3-A for the ASPER delegation of authority.)
- B. Designated Department officials are responsible for
 - 1. administering the oath of office, orally, in a formal, dignified and impressive manner to the new employee, or allowing the new employee to read the oath of office silently;
 - 2. crossing off the words in the oath of office, "swear" and/or "so help me God," if the new employee objects to them;
 - 3. insuring the employee signs and dates in ink the Standard Form 61 (SF 61), Appointment Affidavits; and
 - 4. insuring that the employee completes the SF 61-B, Declaration of Appointee.
- C. Servicing personnel offices are responsible for:
 - 1. providing the designated Department officials with instructions for administering the oath and for having employees complete the SF 61-B, according to FPM Chapter 296, Subchapter 2;
 - 2. reviewing the SF 61-B for completeness; and
 - 3. filing the SF 61 and SF 61-B in the Official Personnel Folder of the new employee.
- D. New employees are responsible for:
 - 1. reading, dating, and signing the SF 61; and
 - 2. reading, completing all questions, dating and signing the SF 61-B. (The new employee's fitness will be investigated and documented according to the information furnished by the new employee on the SF 61-B.)

296-3-40 APPOINTMENT AFFIDAVITS AND DECLARATION OF APPOINTEE

- A. The SF 61 consists of three parts.

1. The oath of office is an affirmation to defend and support the Constitution of the United States. The oath of office will be administered to the new employee on or before the official entrance-on-duty date. The oath of office should be administered after the first day of official duty only in rare and unusual circumstances. In such cases, the oath of office must be administered within the first pay period of the appointment.
 2. The affidavit as to striking against the Federal Government confirms that the new employee will not strike against the Government.
 3. The affidavit as to purchase and sale of office confirms that the new employee has not received or made payment or promises of payment in securing the appointment.
- B. The date of appointment shown on the SF 61 will be the effective date shown on the SF 50-B, Notification of Personnel Action, for the appointment.
- C. The SF 61 must be signed by the new employee on the date the oath is actually subscribed and sworn.
- D. In accordance with several decisions of the Comptroller General, no payment can be made for services rendered if, for any reason, the new employee refuses to sign the SF 61. The employee will not be permitted to render service, and the appointment will be cancelled immediately.
- E. The new employee must complete the SF 61-B before entrance on duty. The date appointed or converted (Block 15) on the SF 61-B will be the effective date shown on the SF 50-B for the appointment. Servicing personnel offices must review the SF 61-B in accordance with FPM Chapter 296, Subchapter 2.
- F. The SF 61 and the SF 61-B must be completed by all new employees. Aliens may meet the SF 61 requirement by executing affidavits B and C of that form. (See FPM Chapter 296, Subchapter 2-5.a[3].)

DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Memorandum

Date August 31, 1984

From Assistant Secretary for
Personnel Administration

Subject Delegation of Authority to Administer the Oath of Office

To See Addressees Below

1. Under the authority vested in the Assistant Secretary for Personnel Administration by memorandum from the Secretary dated January 24, 1983, I hereby delegate to the officials listed in paragraph 2 below the authority to administer the oath of office required by Title 5 U.S. Code, Section 3331.
2. This authority is delegated to the following officials:
 - a. Operating Division Heads
 - b. Assistant Secretary for Management and Budget
 - c. Director, Office of Child Support Enforcement
 - d. Regional Directors
 - e. General Counsel
 - f. Deputy General Counsels
 - g. Assistant General Counsels
 - h. Deputy Assistant Secretary for Personnel
 - i. Deputy Assistant Secretary for Equal Employment Opportunity
 - j. Personnel Officers

3. This authority may be redelegate but only as follows:
 - a. Operating Division Heads may designate, in writing, specific positions under their appointing authority, the incumbents of which are authorized to administer the oath of office.
 - b. The Deputy Assistant Secretary for Personnel may designate, in writing, specific positions within the Office of Personnel, the incumbents of which are authorized to administer the oath of office.
 - c. Personnel officers may designate, in writing, specific positions within the personnel office, the incumbents of which are authorized to administer the oath of office.
 - d. Personnel officers may also designate, in writing, specific positions (under their appointing authority) outside the personnel office, the incumbents of which are authorized to administer the oath of office. This is limited to positions in offices which induct new employees because of geographical separation from personnel offices.
4. The oath of office may be administered only by an official with written authority based on this memorandum.
5. Requirements and instructions for exercising this authority are contained in HHS Personnel Instruction 296-3.
6. This delegation is effective immediately.
7. This delegation supersedes HHS Personnel Instruction 250-8, dated July 5, 1972, titled Administration of Oaths, and the Acting Assistant Secretary for Personnel Administration memorandum of September 27, 1983, to the Deputy Under Secretary for Intergovernmental Affairs, subject: Delegation of Authority to Administer the Oath of Office. However, existing redelegations made under Instruction 250-8 will continue in effect until new redelegations are made under the authority of this memorandum.

Thomas S. McFee

Addressees:

Operating Division Heads
Assistant Secretary for Management and Budget
Director, Office of Child Support Enforcement
Regional Directors
General Counsel
Deputy General Counsels
Assistant General Counsels
Deputy Assistant Secretary for Personnel
Deputy Assistant Secretary for Equal Employment Opportunity
Personnel Officers